THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11695 of 2002

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in trying to evict the petitioner from the Shop at P.N. Road, Oldpet, Opp: Bhargavi Hotel, Chandragiri Gram Panchayat, Chittoor district by demolishing the same as arbitrary, illegal, malafide and violative of principles of natural justice and consequently direct the respondents not to interfere with the possession and enjoyment of the petitioner over the said shop.

It appears, petitioner has erected a small bunk (shop) along with others on the roadside of Chandragiri revenue village and mandal, Chittoor district. While so, the respondents 1 and 2 visited the shop and threatened to demolish on the ground that he has encroached into poramboke road belonging to Gram Panchayat. According to the petitioner, as per the provisions of Gram Panchayat Act, the road located within the Gram Panchayat vests in the Gram Panchayat and in fact after obtaining permission from the Gram Panchayat, he has erected the bunk (shop), therefore, the revenue authorities have no right to interfere with his possession and enjoyment over the shop and to demolish the same.

Whereas, the learned counsel for respondents asserted that the subject land is a poramboke road and vests in the Government, and the petitioner has constructed/erected the same without the permission of the competent authority.

This Court, while admitting the writ petition on 28.6.2002, granted interim stray of eviction and demolition of petitioner's shop .

From the above, it is clear that no notice of any kind has been issued to the petitioner before threatening to demolish the subject premises. Therefore, the attempts made by the respondents is arbitrary, illegal and in

gross violation of principles of natural justice. Therefore, the respondents are directed not to interfere with the peaceful possession and enjoyment of the petitioner over the shop in question without recourse to due process of law.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 4.7.2007

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W.P.No.11695 of 2002

4.7.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.11695 of 2002

Date: 4th July, 2007

Between:

P.Nagaraja Reddy

.. Petitioner

And

The Revenue Divisional Officer,
Tirupati & others.

.. Respondents